

OCT 26 2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

FACSIMILE COVER SHEET

Deliver to: Vincent E. Kovalick, USPTO Art Group: 2673
Facsimile No.: 703-872-9306 Date: October 26, 2004
From: William W. Schaal, Reg. No. 39,018
Our Docket No.: 42390P6729 Number of pages 10; including this sheet.
Application No.: 09/540,166 Filing Date: 3/31/2000
Docket Due Date(s): 10/29/2004

Enclosed are the following documents:

Amendment: Response (6 pgs)

Appeal Brief (in triplicate) (pgs)

Application: _____
(pgs) w/cover & abstract)

Assignment & Cover Sheet (pgs)

Certificate of Facsimile _____

Continued Prosecution Application (CPA)

Declaration & POA (pgs)

Drawings: sheets, figures

Extension of Time: _____

Fee Transmittal (in duplicate)

IDS & PTO/SB/08 (pgs)

Other _____

Issue Fee Transmittal

Notice of Appeal

Petition for: _____

Request for Continued Examination (RCE)

Reply Brief (pgs)

Request & Certification Under 35 USC 122(b)(2)(B)(i)

Request to Rescind Previous Nonpublication Request

Response to Notice of Missing Parts & Formalities Letter

Response to Written Opinion (pgs)

Terminal Disclaimer

Transmittal of Publication Fee Due

Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office. — 1

Susan McFarlane 10/26/2004
Susan McFarlane Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Susan McFarlane.

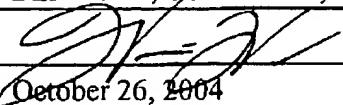
RECEIVED
CENTRAL FAX CENTER

OCT 26 2004

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/540,166
		Filing Date	March 31, 2000
		First Named Inventor	Scott A. Rosenberg
		Art Unit	2673
		Examiner Name	Vincent E. Kovalick
Total Number of Pages in This Submission		9	Attorney Docket Number
42390P6729			

ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
		Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 26, 2004

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Typed or printed name	Susan McFarlane		
Signature		Date	October 26, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 06/04/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application Number	09/540,166
Filing Date	March 31, 2000
First Named Inventor	Scott A. Rosenberg
Examiner Name	Vincent E. Kovalick
Art Unit	2673
Attorney Docket No.	42390P6729

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account
Deposit Account Number **02-2666**Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.10, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	790	2001	395	Utility filing fee
1002	350	2002	175	Design filing fee
1003	550	2003	275	Plant filing fee
1004	790	2004	395	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)		(\$)		

2. EXTRA CLAIM FEES

Total Claims	13	20*	=	0	X	18.00	=	\$0.00	Fee from below	Fee Paid
Independent Claims	3	3*	=	0	X	88.00	=	\$0.00		
Multiple Dependent										

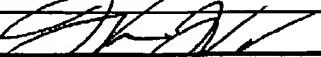
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple Dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)			0.00

*or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or cert			
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
2053	130	2053	130	Non-English specification			
1812	2,520	1812	2,520	For filing a request for ex parte reexamination			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
1251	110	2251	55	Extension for reply within first month			
1252	430	2252	215	Extension for reply within second month			
1253	980	2253	490	Extension for reply within third month			
1254	1,530	2254	765	Extension for reply within fourth month			
1255	2,080	2255	1,040	Extension for reply within fifth month			
1404	340	2401	170	Notice of Appeal			
1402	340	2402	170	Filing a brief in support of an appeal			
1403	300	2403	150	Request for oral hearing			
1451	1,510	2451	1,510	Petition to institute a public use proceeding			
1452	110	2452	55	Petition to revive - unavoidable			
1453	1,370	2453	685	Petition to revive - unintentional			
1501	1,370	2501	685	Utility issue fee (or reissue)			
1502	490	2502	245	Design issue fee			
1503	660	2503	330	Plant issue fee			
1460	130	2480	130	Petitions to the Commissioner			
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)			
1808	180	1806	180	Submission of Information Disclosure Stmt			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1809	790	1808	395	Filing a submission after final rejection (37 CFR § 1.129(a))			
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))			
1801	790	2801	395	Request for Continued Examination (RCE)			
1802	900	1802	900	Request for expedited examination of a design application			
Other fee (specify)							
*Reduced by Basic Filing Fee Paid						(\$)	
						(\$)	

Complete (if applicable)

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature				Date	10/26/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (W) 02/10/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/540,166
Amdt. Dated 10/26//2004
Reply to Office Action of 07/29/2004

RECEIVED
CENTRAL FAX CENTER

OCT 26 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	09/540,166	Confirmation No. 2691
Applicant	:	Rosenberg, et al.	
Filed	:	03/31/2000	
TC/A.U.	:	2673	
Examiner	:	Vincent E. Kovalick	
Docket No.	:	042390.P6729	
Customer No.	:	8791	

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office action of July 29, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.